

## 11.801

that authorizes a variation in the estimated quantity of unit-priced items.

[48 FR 42159, Sept. 19, 1983, as amended at 54 FR 34753, Aug. 21, 1989. Redesignated and amended at 60 FR 48241, Sept. 18, 1995; 64 FR 10538, Mar. 4, 1999]

### Subpart 11.8—Testing

SOURCE: 62 FR 51230, Sept. 30, 1997, unless otherwise noted.

#### 11.801 Preaward in-use evaluation.

Supplies may be evaluated under comparable in-use conditions without a further test plan, provided offerors are so advised in the solicitation. The results of such tests or demonstrations may be used to rate the proposal, to determine technical acceptability, or otherwise to evaluate the proposal (see 15.305).

## PART 12—ACQUISITION OF COMMERCIAL ITEMS

Sec.

- 12.000 Scope of part.
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### Subpart 12.1—Acquisition of Commercial Items—General

- 12.101 Policy.
- 12.102 Applicability.

### Subpart 12.2—Special Requirements for the Acquisition of Commercial Items

- 12.201 General.
- 12.202 Market research and description of agency need.
- 12.203 Procedures for solicitation, evaluation, and award.
- 12.204 Solicitation/contract form.
- 12.205 Offers.
- 12.206 Use of past performance.
- 12.207 Contract type.
- 12.208 Contract quality assurance.
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- 12.212 Computer software.
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### Subpart 12.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

- 12.300 Scope of subpart.

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12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

12.302 Tailoring of provisions and clauses for the acquisition of commercial items.

12.303 Contract format.

### Subpart 12.4—Unique Requirements Regarding Terms and Conditions for Commercial Items

- 12.401 General.
- 12.402 Acceptance.
- 12.403 Termination.
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### Subpart 12.5—Applicability of Certain Laws to the Acquisition of Commercial Items

- 12.500 Scope of subpart.
- 12.501 Applicability.
- 12.502 Procedures.
- 12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.
- 12.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

### Subpart 12.6—Streamlined Procedures for Evaluation and Solicitation for Commercial Items

- 12.601 General.
- 12.602 Streamlined evaluation of offers.
- 12.603 Streamlined solicitation for commercial items.

AUTHORITY: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

SOURCE: 60 FR 48241, Sept. 18, 1995, unless otherwise noted.

#### 12.000 Scope of part.

This part prescribes policies and procedures unique to the acquisition of commercial items. It implements the Federal Government's preference for the acquisition of commercial items contained in Title VIII of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) by establishing acquisition policies more closely resembling those of the commercial marketplace and encouraging the acquisition of commercial items and components.

#### 12.001 Definition.

*Subcontract*, as used in this part, includes, but is not limited to, a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor.